



Federal Aviation Administration

Memorandum

Date: August 21, 2013

To: See Distribution List

From: David W. Hempe, Manager, Aircraft Engineering Division, AIR-100

Prepared by: Ralph Meyer, Engineering Procedures Office, AIR-110

Subject: ODA Order Deviation Request

Reference: ANM-100S Memo, 150S-12-305, Jan 24, 2013

This grant of deviation is in response to the attached Seattle Aircraft Certification Office (ACO) deviation request. Since this deviation request is based upon broadly applicable criteria, this grant of deviation is effective for any Organization Designation Authorization (ODA)-managing organization. These items will be addressed in a future revision to Order 8100.15B, Organization Designation Authorization (ODA) Procedures.

Item #1- Requests regarding program notification letters (PNLs) content and required Federal Aviation Administration (FAA) Response.

We concur in part.

This item requested multiple items be addressed to ease the content requirements of PNL and the required FAA response in order to authorize the ODA holder to conduct certification activity and (although not directly requested) allow STCs to be issued without submittal of PNL or Organization Management Team (OMT) response.

Although we do not prescribe limitations for the types of (Type Certification) TC ODA holder major design changes that may proceed without FAA notification and response, we feel it is necessary to establish limitations regarding the type of activity that may be allowed for Supplemental Type Certification (STC) ODA holders. The review of PNLs is the final step of determining that an STC holder has the capability, experience, and knowledge of the product necessary to proceed with an STC project. Unlike a TC ODA holder, the FAA cannot easily determine or expect the same comprehensive product-level expertise exists with an STC ODA holder. We do recognize that the requirement for PNL and FAA review might be unnecessary for some major changes in type design that do not result in the amendment of the STC. Thus, the following types of STC ODA activities may be authorized without submittal and review of a complete PNL:

a.) New or amended STCs when:

- The STC ODA holder is also the Type Certificate holder for the product being altered; or
- The TC holder for the product involved has established a documented association with the STC ODA holder and agrees to provide the STC ODA holder with access to any necessary descriptive or substantiating data.

b.) Major changes in type designs that don't result in amendment of the STC, e.g., revision to the face sheet or any continuation sheets. This authority is allowed for the following types of changes:

- Material changes involving materials with similar properties and substantiation methods;
- Process changes involving processes of similar complexity and skills;
- Supplier changes;
- Equipment substitutions (i.e., different radio, similar TSO'd article);
- Relocation of equipment;
- Addition of serial numbers to STC applicability;
- Addition of models to approved model list (AML) STCs.

The allowances and limitations for any type of activity not requiring a PNL must be defined in the ODA procedures manual. They are allowable for those types of projects for which the OMT can establish beforehand that the project will not require FAA specific findings and for which the ODA holder has the appropriate knowledge and understanding of the product manufacturer's design philosophy, principles, operational assumptions and operator procedures. Procedural coordination requirements for directorate Certification Project Notification (CPN), off site projects, and the use of foreign registered aircraft as prototype articles must still be complied with for any STC and any major change to type design. OMTs may establish procedures with their ODA holders for the submittal of any needed information for that coordination without submittal and review of a complete PNL.

With respect to the proposals regarding PNL response, experience has shown that including all of the currently required information in a PNL response is necessary. Also, we believe there is sufficient latitude allowed within the existing Order requirements regarding PNL review to determine level of review based on risk. Repetitive, routine PNL submittals should require minimal FAA review.

Although the PNL and related response requirements in the Order are described in terms of a complete PNL submittal, we recognize that, in many cases, an ODA holder will desire to be authorized to begin certification work prior to submittal of a complete PNL. This is provided for in paragraph 11-7a(7), *Performing Delegated Functions Prior to PNL Response*. Although this paragraph describes a *written interim response* to a PNL, it is not meant that the ODA holder has to submit a complete PNL in order to request authorization to begin certification activity. Likewise, the OMT may authorize the ODA holder to begin certification activity, based on any submitted information that is acceptable to the OMT.

Unless allowed otherwise under paragraph a) or b) above, the ODA holder must submit a complete PNL with all of the information required by 11-7b, and be provided a response in accordance with paragraph 11-7e, prior to the completion of the project and issuance of the STC.

The existing requirements for PNL submittal and FAA response were specifically implemented based on past practices with PNL responses that did not adequately document FAA feedback on proposed STC projects.

Item #2- Allow STC PNL responses to be provided informally, via email or other electronic means.

We concur with this request. Any informal PNL response must continue to be provided in writing by the OMT lead and contain the information required by paragraph 3-7e, *Program Notification Letter Response*. The use of stamps, etc. for response to the ODA holder is not permitted. The method used to convey the response must ensure the response is controlled and not revised by other than the OMT lead.

Item #3- Allow STC PNL responses to exceed 30 days.

We concur with this request. Although a 30-day response requirement is a long-established requirement intended to promote timely response to proposed certification projects, we agree that such a performance requirement need not be specified in the Order. However, we anticipate this deviation to have minimal effect in practice, as we continue to expect ODA-managing offices to emphasize timely responses to PNLs. A priority on timely PNL responses has been agreed to by the Aircraft Certification Office Leadership Team and is currently tracked as a performance metric by the FAA and industry. We also expect that PNL responses times will be established as a future QMS performance metric.

Item#4- Clarify the requirement to consider ODA holder's knowledge and understanding of manufacturer's design philosophies, etc.

We recognize the inconsistency in language between paragraph 11-7a(5) and paragraph 11-7c(2). The difference in language between the paragraphs is partly due to the former applying specifically to the *ODA Unit* and the latter to the *ODA holder*. We will consider future revision of that language to clarify this requirement.

An applicant's and the certifying authority's knowledge and understanding of the product manufacturer's design philosophies has been previously identified as an important consideration in the STC process. As such, the determination that the ODA holder has the requisite knowledge and understanding is not considered a best practice, but a requirement that must be satisfied in order to authorize the project.

For more information, contact Ralph Meyer, AIR-110, at 405.954.7072 or ralph.meyer@faa.gov.



Federal Aviation Administration

Memorandum

In Reply

Date: January 24, 2013
To: Scott Geddie, Manager, AIR-112
From: Ross Landes, Acting Manager, ANM-100S
Prepared by: George Panger, ODA Program Manager, ANM-100S
Subject: ODA Order Deviation Request – Program Activity

The Seattle ACO currently manages three STC ODAs and has conducted a quantitative assessment of the FAA resources that are required to oversight and interact with these organizations. The results show we are spending more time interacting with an ODA than we would with an equivalently sized non-ODA organization. Though this is somewhat understandable as we are performing structured oversight of ODAs and not doing so with non-ODAs it is also problematic in our effort to implement SMS. ODA was intended to allow us to change how we interact with very competent organizations such that FAA resource demands are reduced thus allowing us to shift our focus to the highest risk areas within the NAS. Additionally, as we have reviewed Order 8100.15A and considered our current oversighting practices in the office we conclude that there are efficiencies to be gained and that interaction with ODAs could be more strongly correlated with the risk that these organizations pose to the aviation system.

In light of these conclusions we are proposing 3 deviations to Order 8100.15A to enable us to better optimize interaction with our ODAs. In addition, we are requesting clarification of a paragraph of the Order. Each of these deviation proposals and clarification requests has been vetted through the ACOLT and we have their full concurrence.

With respect to overseeing an STC ODA holder's program activity, we propose a change from the current policy to a risk-based approach which allows for varying levels of ODA notification, OMT review, and OMT response. We believe the benefit of this change will come in the form of a workload shift from the FAA to the ODA unit which will allow for SMS implementation and an overall increase of safety within the NAS. In order to accomplish this change, we are requesting the following deviations and clarifications.

Item #1

Existing Requirement:

For any certification activity associated with an STC program, Order 8100.15A paragraphs 5-3.d., 11-7.a.(7), 11-7.b., and 11-7.e., require a program notification letter (PNL) with specific content to be submitted by the ODA administrator; certain STC ODA unit certification activities to be performed only after submittal of the PNL; and for each PNL, a formal response with specific content from the OMT lead.

Deviation Request:

We request that you allow an STC ODA unit to be authorized to conduct certain certification activities without prior notification to the FAA; allow some notifications from the ODA administrator to be submitted without all of the content prescribed in paragraph 11-7.b.; allow the OMT lead to not respond to certain notifications; and allow the OMT lead to respond to certain notifications without all of the content prescribed in paragraph 11-7.e.

For any planned certification activity, the ODA unit must evaluate the extent of the changes to determine whether notification and OMT response is required. The procedures manual must contain procedures that direct which types of STC certification activity may be performed without notification, when there is a requirement to provide notification to the FAA, the required content of the notification, and whether an OMT response is required. This certification activity approach is almost identical to the approach allowed for Type Certificate ODA holders (ref. 8100.15A, Chapter 8)

Item #2

Requirement:

Paragraph 11-7.e states that the OMT lead will respond to the ODA holder formally, in writing, after receiving a PNL.

Deviation Request:

Allow PNL responses to be provided informally, via email or other electronic means (e.g., documents/forms posted on a sharepoint site). The record retention requirements for PNL responses must still be met (ref. 8100.15A paragraphs 5-3.h, 8-5.a.(1), 11-5.a, and 13-5.a.(4)).

Item #3

Requirement:

Paragraph 11-7.e states that the OMT lead must respond within 30 days unless the ODA holder agrees to a later response.

Deviation Request:

Allow PNL responses to exceed 30 days, regardless of ODA holder agreement, with the 30 day response time being a goal rather than a specific requirement. The OMT lead would communicate with the ODA prior to exceeding the 30 day target to let them know why the OMT will miss the goal.

Item #4

Requirement:

Paragraph 11-7.a.(5) states that the OMT *should* assess the ODA unit's experience and knowledge of the product manufacturer's design philosophy, principles, and operational assumptions when reviewing PNLs and determining the level of FAA involvement in a project.

Paragraph 11-7.c.(2) states that as part of the OMT review of the PNL and the associated certification and conformity plans, the OMT *will* consider whether the ODA holder has, or can obtain, the appropriate knowledge and understanding of the product manufacturer's design philosophy, principles, operational assumptions, and actual operator procedures.

Clarification Request:

The use of “will” in paragraph 11-7.c.(2), makes this a hard requirement that calls into question the need to have objective evidence on hand in case of an audit or assessment. Based on the related language in paragraph 11-7.a.(5), and the use of “should”, we believe this consideration of the ODA holder’s capability is a best practice to be utilized, or not utilized, and documented, or not documented, to a degree that makes sense for each project. Therefore, we request confirmation that the consideration in paragraph 11-7.c.(2) is a best practice rather than a hard requirement.

For consistency, we also request revision to paragraph 11-7.c.(2) at the next opportunity to read “..., the OMT should consider whether ...”.

***Original initialed by
Ross Landes***

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